

SERVICE DATE - OCTOBER 16, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Section 5a Application No. 45 (Amendment No. 17)

NIAGARA FRONTIER TARIFF BUREAU, INC. – AGREEMENT

Decided: October 9, 2003

By application filed on July 25, 2003, the Niagara Frontier Tariff Bureau, Inc. (NFTB) seeks approval of two categories of changes to its collective ratemaking agreement: (1) a series of amendments that appear to be minor; and (2) amendments that are designed to conform to the Board's decisions in EC-MAC Motor Carrier Service Association, Inc., et al., Section 5a Application No. 118 (Sub-No. 2), et al. (EC-MAC).¹

The minor amendments proposed by NFTB include: (1) a change in the name of the organization to North American Transportation Council, Inc., with an office located in Ontario, Canada; (2) a non-substantive rewording of the services to be provided by the organization; (3) changes to reflect statutory revisions; (4) a reduction in the quorum required to take action; (5) rates and rules no longer to be discussed at special meetings or annual meetings; (6) membership class of "participating" carriers eliminated (all carriers to be members); (7) new membership class of associate membership for noncarrier entities established; (8) changes in titles of officers; (9) "Rate and Tariff Agreement" provisions eliminated as no longer required; (10) changes in "Rate Procedure" provisions so as to eliminate time requirements and other provisions that no longer apply, to reduce notice requirements for meetings, to combine committees, and to eliminate certain provisions governing

¹ There, the Board has been considering renewal of the collective ratemaking agreements of NFTB and other bureaus. In decisions served on March 27, 2003, and November 20, 2001, the Board renewed its approval of the bureau agreements, subject to three conditions. First, the bureaus were directed to propose amendment of their agreements to require bureau members to give the truth-in-rates notice described in those decisions when they list rates or otherwise give a rate quote that references a collectively set rate. Second, the bureaus were directed to submit the range-of-discount information specified in the decisions. Third, bureau agreements must require members to certify that they will not apply a loss-of-discount provision that would reinstate the collectively set rate as a penalty for late payment. In the instant proceeding, NFTB has proposed amendments to implement these conditions, as well as minor amendments concerning non-substantive and other procedural matters.

independent rate action; and (11) changes to eliminate agreements with two other bureaus, the Southern Motor Carriers Rate Conference, Inc., and the Rocky Mountain Motor Tariff Bureau, Inc.

Notice of NFTB's application will be published in the Federal Register. The Board tentatively concludes that the amendments are minor and are consistent with the statutory requirements of 49 U.S.C. 13703. Accordingly, these minor amendments will be approved if no adverse comments are timely filed. Because the issues involving the amendments required by the Board in the EC-MAC proceeding are separately addressed in that proceeding, the notice will not seek comments on them here.

NFTB will be required to provide copies of its application on request to members of the public. The application is also available for viewing on the Board's website at "www.stb.dot.gov."

This decision will become effective automatically at the close of the comment period, and NFTB's application will be fully approved, unless adverse comments are timely filed. If timely filed adverse comments are received, the comments and any reply will be considered, and the Board will issue a further decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Notice will be published in the Federal Register.
2. Unless adverse comments are timely filed, NFTB is authorized to amend its bylaws as proposed.
3. Comments are due by November 17, 2003.
4. NFTB's reply to any comments is due by December 1, 2003.

By the Board, Chairman Nober.

Vernon A. Williams
Secretary